# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

J. MICHAEL CHARLES; MAURICE W. ) WARD, JR.; and JOSEPH I. FINK, JR., on behalf ) of themselves and all others similarly situated, )	CIVIL ACTION NO. 05-702 (SLR)
Plaintiffs, )	
v. )	
PEPCO HOLDINGS, INC; CONECTIV, and PEPCO HOLDINGS RETIREMENT PLAN,	
Defendants. )	
THOMAS S. TROUP, on behalf of himself and all others similarly situated,	CIVIL ACTION NO. 06-10 (SLR)
Plaintiff, )	
v. )	
PEPCO HOLDINGS, INC; CONECTIV, and PEPCO HOLDINGS RETIREMENT PLAN,	
Defendants. )	

### STIPULATION AND [PROPOSED] ORDER FOR CONSOLIDATION

WHEREAS, these actions assert claims under ERISA against the same defendants relating to the same defined benefit pension plan;

NOW THEREFORE, Plaintiffs and defendants, by and through their respective counsel, hereby stipulate and agree (subject to Court approval) as follows:

1. Consolidation of Actions. Until further Order of the Court, the above-captioned actions hereby are consolidated for all purposes pursuant to Fed. R. Civ. P. 42(a). The terms of this Order for consolidation also will apply to all actions subsequently filed in, removed to, or transferred to this Court (including cases transferred for pretrial purposes under 28 U.S.C. § 1407)

which the Court deems related under Local Rule 3.1(b). Counsel of record are hereby directed to notify the clerk of any newly filed or transferred action that they believe should be consolidated pursuant to this order. Counsel are further directed to serve a copy of this order on all counsel appearing in a newly filed or transferred action that they believe should be consolidated pursuant to this order, and objections to the consolidation of such newly filed or transferred cases shall be filed within 10 days thereafter and served upon counsel of record.

- 2. **Designation of Lead Case.** The parties will e-file all pleadings, motions and other papers in accordance with this Court's standing order dated February 8, 2005 re Electronic Case Filing Policies and Procedures and its Administrative Procedures Governing Filing and Service by Electronic Means. *Charles v. Pepco Holdings, Inc.*, No. 05-702 (SLR) is hereby designated as the lead case, and all future filings shall be made in the lead case only.
- 3. **Captions and Filings.** Orders, pleadings, motions, and other documents filed in each of the cases will bear the following caption:

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

J. MICHAEL CHARLES; MAURICE W.	CIVIL ACTION NO. 05-702 (SLR)
WARD, JR.; and JOSEPH I. FINK, JR., on behalf	
of themselves and all others similarly situated,	)
	)
Plaintiffs,	)
	)
V <b>.</b>	)
	)
PEPCO HOLDINGS, INC; CONECTIV, and	)
PEPCO HOLDINGS RETIREMENT PLAN,	)
	)
Defendants.	)
	_)

4. **Service of Papers.** The duty of the parties to serve one another with pleadings, motions and other papers under Rule 5 of the Federal Rules of Civil Procedure shall be as follows:

- a. Where a pleading, motion or other paper is e-filed, the transmission of the Notice of Electronic Filing through the ECF system shall be deemed to satisfy Fed. R. Civ. P. 5(b)(2)(D), in accordance with this Court's standing order dated February 8, 2005 re Electronic Case Filing Policies and Procedures and its Administrative Procedures Governing Filing and Service by Electronic Means;
- b. All other pleadings, motions or other papers shall be served via e-mail, fax, or overnight courier.

Dated: July 18, 2006 CHIMICLES & TIKELLIS LLP

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Dated: July 18, 2006

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Attorneys for Defendants

## [PROPOSED] ORDER

day of, 2006.
BY THE COURT:
Sue L. Robinson Chief U.S. District Judge